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Report of the Secretary-General

The situation in Afghanistan and its implications for international peace and security

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1471 (2003) of 28 March 2003, by which the Council decided to extend the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) for one year. The report describes developments in Afghanistan since my report dated 23 July 2003 (A/57/850-S/2003/754 and Corr.1). During that period, the Security Council received oral briefings on 13 August and 24 October; the latter has been published in the Council's verbatim records (see S/PV.4848). The Council also received the report of its own mission, which visited the region from 31 October to 7 November (S/2003/1074). In addition, my report to the General Assembly of 3 December 2003 (A/58/616) described the work of the Transitional Administration to implement the Bonn Agreement, the activities of the United Nations and key political and humanitarian developments in Afghanistan from July 2002 to November 2003. Matters covered in those briefings and reports will not be repeated in the present report, except in summary form.

II. Implementation of the Bonn Agreement

2. The peace process in Afghanistan has reached a critical juncture, two years since the beginning of the implementation of the Bonn Agreement. Certainly, a great deal has been achieved. The establishment of the Afghan Transitional Administration itself, the articulation of a national development framework, the successful inauguration of a new currency, the return of some 4.2 million children to school, one third of them girls, the beginning of security sector reform, the establishment of a national network of offices of the Afghan Independent Human Rights Commission and the ongoing road reconstruction effort are but a few of the accomplishments.

3. During the reporting period, the most sensitive and potentially divisive steps (see S/2003/1074, para. 32) of the Bonn processes began: the pilot phase of the disarmament, demobilization and reintegration programme on 24 October, the electoral registration on 1 December and the Constitutional Loya Jirga on 14 December. If successfully conducted, these processes together can move the State-

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building effort in Afghanistan a good deal forward by providing an agreed framework for a new political order, drawing down the factional armies and creating space for the new national army and police, and laying the ground for the elections for a new Government. However, fundamental challenges need to be overcome if the peace process is to become irreversible and the relatively fragile institutions of State secured. First and foremost, the problem of insecurity must be addressed, as that is a precondition for the success of the Bonn process.

4. The electoral registration, in particular, cannot be accomplished if broad geographical access is denied to the registration teams because of insecurity. Addressing the security challenges facing the Bonn process will require further, coordinated and intensified efforts to improve security using national and international resources. Further reforms are also needed to broaden the representation of all sectors of Afghan society in the central Government. This in turn should help progress in addressing another vital challenge: the need to increase the extent of the Government's authority throughout the country. Lastly, increased efforts are required to ensure that reconstruction proceeds in all parts of the country.

A. Overall security situation

5. Afghanistan has experienced a deterioration in security at precisely the point where the peace process demands the opposite. The reporting period saw an increase in terrorist activity, factional fighting, activities associated with the illegal narcotics trade and unchecked criminality. In the last 90 days, the number of reported incidents targeting civilians exceeded the total of those that occurred in the first 20 months following the signing of the Bonn Agreement. At their height during the reporting period, attacks against the humanitarian community escalated from a rate of one per month to one almost every two days. This rate has subsided over the past several weeks, though threats against the international community remain and a number of steps have been taken to minimize exposure to them.

6. Attacks on international and national staff of the assistance community and officials of the central Government have been concentrated in the south and the south-east. Previously, such acts were largely conducted in relatively remote or isolated areas, but in recent months they have expanded to city centres. On 16 November an international staff member of the Office of the United Nations High Commissioner for Refugees, Bettina Goislard, was assassinated in broad daylight in the centre of Ghazni. This closely followed a car-bomb attack on United Nations offices in Kandahar on 13 November, which damaged the premises but fortunately did not result in loss of life.

7. In the affected areas, in the absence of sufficient forces to provide security, unarmed civilians cannot be asked to shoulder unreasonable risks and continue activities that make them targets. Accordingly, much of the south and south-east of the country is now effectively off limits to the United Nations, the assistance community and central Government officials, except under special escort. Lack of access to assistance or structures of the State risks further alienating the population, which is predominantly Pashtun, and may increase their willingness to tolerate, if not support, the presence of those among them who have an agenda that is at odds with the peace process.

8. In response to the increased threat against the United Nations and the aid community, on 26 November President Karzai established two national task forces, bringing together the Afghan security ministries, the International Security Assistance Force (ISAF), the coalition forces and the United Nations. One task force is working on short-term measures to ensure the necessary security for the Bonn processes and for aid and reconstruction efforts, while the second is to work on responses to security threats over the longer term. UNAMA presented the former with a list of urgent requests, including requests for increased resources needed by the Ministry of Interior units deployed to protect United Nations and aid community premises and Bonn processes, for greater coordination in security planning, for increased protection support from ISAF and the coalition and for information-sharing. The task force structure has been replicated at the regional level, where national and international security actors have worked with UNAMA to prepare local security plans.

9. The arbitrary rule of local commanders and the presence of factional forces in significant portions of the country continued to be another source of insecurity. Allegations continued that communities under their control are often deprived of their basic rights and are victims of serious human rights abuses. The north, in particular, has suffered the effects of factional fighting. In October, just weeks before the planned start of the pilot phase of the disarmament, demobilization and reintegration programme, the population of Mazar-i-Sharif (Balkh province) was subjected to intense interfactional fighting — 6 people were reportedly killed and 30 injured. The Minister of Interior negotiated a ceasefire and heavy weapons disarmament agreement with General Atta Mohammed and General Dostum, the implementation of which is being supervised by the Joint Security Commission, with the participation of the Mazar-i-Sharif provincial reconstruction team and UNAMA.

10. Some 280 Kabul-based police were deployed to Mazar-i-Sharif on 18 October. Despite the insufficiency of equipment, including weapons and ammunition, the police have dismantled illegal checkpoints, are manning official checkpoints with the local police and are doing foot patrols in the city. A battalion of the Afghan National Army (and its trainers from the coalition forces) was also dispatched to the north to provide security to the heavy weapons cantonment site, in accordance with the ceasefire agreement. The troops are also patrolling Chimtal and Charbolok districts (Balkh province), where the sites are located.

11. Thus far, the forces of General Atta Mohammed have demonstrated compliance with the agreement; the forces of General Dostum have shown some resistance, as reflected in the fact that they have handed over fewer weapons. Some observers have suggested that this resistance to disarmament may be intended to maintain a point of leverage in the ongoing discussions with the Government relating to General Dostum's future position.

B. Security sector reform — partnership of the Government of Afghanistan and lead nations

12. To enable the Government of Afghanistan to exercise its responsibility for ensuring security, credible national institutions responsible for the rule of law must be further developed. This can be achieved only in the medium term, through the

national army and police programmes and the judicial reform effort. In the immediate term, a level of stability is essential for the peace process to progress, and for this, increased security assistance from the international community will be needed.

13. As previously reported, reform of the line ministries, in particular the Ministry of Defence and the Ministry of Interior, as well as the intelligence services, is an essential requirement for effective disarmament, demobilization and reintegration and the development and training of police and military forces (see A/57/850-S/2003/754, para. 27). In this regard, the Government has made some important progress. As a first step, in September, 22 of the Ministry of Defence "first tier" positions were filled by new appointments representing 17 provinces and a broad range of ethnic groups. Nonetheless, the reform was less sweeping than had been hoped by some, and there remains a strong belief, particularly among Pashtuns, that Panjshiri elements continue to retain a disproportionate share of power. However, the reform was deemed sufficient to enable the pilot phase of the disarmament, demobilization and reintegration programme to proceed. Forces in the capitals of five provinces are expected to participate in the pilot phase: Kunduz, Gardez, Mazar-i-Sharif, Kabul and Kandahar.

C. Disarmament, demobilization and reintegration of ex-combatants

14. Under the Afghan New Beginnings Programme, the pilot phase of the disarmament, demobilization and reintegration programme began on 24 October in Kunduz province. With financing from Japan and assistance from the United Nations Development Programme (UNDP), 1,008 ex-soldiers were processed through the disarmament and demobilization phases. Nine hundred and twenty-six weapons were collected and transported to Kabul, where they are being stored by the Afghan National Army Central Corps under a dual-lock system and held by the Ministry of Defence and the international observer group. By 11 December, 1,004 of the ex-soldiers had selected reintegration options. The most popular areas were agricultural assistance, vocational training and job placement, and demining training. The second disarmament, demobilization and reintegration pilot phase began in Gardez (Paktia province) on 9 November. As at 17 December, 628 ex-soldiers and officers had been disarmed, 584 demobilized and 471 reintegrated. Heavy weapons accounted for the bulk of the arms collected and have also been transported to Kabul. The international observer group is observing the work of the regional verification committees and the Ministry of Defence operational groups responsible for preparing and verifying lists of soldiers to be demobilized.

15. The pilot phase is being assessed as it progresses. A number of challenges and lessons have been identified, in particular, instances of intimidation by commanders who have tried to extort soldiers' severance benefits and the need to provide adequate incentives for senior commanders to participate. It is also clear that successful disarmament, demobilization and reintegration must progress in tandem with, not in isolation from, other security sector reforms, so that national security structures are ready to fill the gaps left by demobilized units. Adjustments to ensure the integrity of the process are being made as appropriate and to the extent that resources permit.

16. While heavy weapons disarmament has begun in Mazar-i-Sharif, the disarmament, demobilization and reintegration pilot phase will start in early January to allow sufficient time to verify all four divisions in the area and lists of the 2,000 soldiers and officers expected to go through the process — twice as many as in the pilot phases in Kunduz and Gardez.

17. In Kabul, the pilot disarmament, demobilization and reintegration programme began on 10 December. Thus far 2,000 soldiers from eight units have been identified by the Ministry of Defence to take part in the Kabul pilot project. Two hundred of them have been disarmed, and the remainder are undergoing verification. All eight units will be decommissioned and their components reintegrated by the end of January. Similar to the process in Mazar-i-Sharif, disarmament, demobilization and reintegration in Kabul will hopefully take place in parallel with the ISAF-sponsored heavy weapons cantonment plan, which began on 10 December with the collection of 250 heavy weapons. This is a very welcome and important development because disarmament in Kabul was called for in the Bonn Agreement, and the delay in its implementation until now has been a source of contention and distrust. Its credible conduct could make an essential contribution to building wider public confidence that the disarmament, demobilization and reintegration process serves all of Afghanistan's interests, not only factional interests.

D. Afghan National Army

18. Towards the aim of reaching a strength of 70,000 troops under a 10-year plan, 12 battalions have so far been trained and established under the lead of the United States of America, representing a total force strength of 6,500 (all ranks). These troops are currently engaged in security roles, such as in the disarmament, demobilization and reintegration programme (guarding cantonment sites of heavy weapons); in counter-terrorism and stabilization operations led by coalition forces; and in assisting with the provision of security during the Constitutional Loya Jirga (four battalions).

19. During the reporting period, several steps were taken to address instances of attrition from the army and to attract recruits dedicated to career service. Basic pay for new recruits has increased; adjustments have been made to the leave policy for those recruited from more remote areas of the country; and improvements have been made in the facilities for religious observance. National army volunteer recruitment centres have been established in five provinces, and a further 29 new centres are planned. Steps have also been taken to accelerate the training of Afghan National Army troops. The number of new recruits who can participate in training has increased by 750, to 2,250, and the length of courses has been adjusted.

E. Police and corrections reforms

20. The Ministry of Interior has begun implementing far-reaching reforms geared towards the implementation of a five-year plan to develop a national police service of some 50,000 members and a force of 12,000 border guards. It is projected that some 213 higher-ranking and 2,000 lower-ranking officers would be trained by mid-2004. For the border guards, the focus in 2004 will be on the establishment of a

Kabul International Airport headquarters and on beginning to make eight regional battalions operationally ready.

21. Where these police have been deployed in three provinces, they have contributed to stability, public confidence and the maintenance of law and order. Yet, at this early stage of the process, the number of trained police remains too low and ill equipped to provide the full support needed by the central Government in its efforts to establish itself in the provinces. In an effort to address this shortage, the first regional police training programme, in Gardez (Paktia province), completed its first two-week course on 5 December, graduating 26 police officers. The completion of a permanent training facility is scheduled for the end of December. Current plans foresee additional training centres, in Bamian, Jalalabad, Herat, Kunduz and Mazar-i-Sharif, operational by June 2004. Until the central Government can be assured of sufficient income, including the receipt of customs revenues due from the provinces, funding for police salaries, infrastructure and equipment will continue to be dependent on voluntary donor funds contributed to the UNDP-administered Law and Order Trust Fund. In this regard, the commitment by the European Union of 50 million euros to the Trust Fund in September 2003 was very welcome, fulfilling the current requirements for the payment of salaries and other expenses for the police.

F. Justice reform

22. In the justice sector, the civil and criminal codes and other important legal frameworks are being reviewed and updated. The Bonn Agreement provided for the establishment of the Judicial Reform Commission to serve as platform for discussions among the permanent justice institutions on how to rehabilitate and strengthen the administration of justice. The ad hoc high-level meeting on Afghanistan, held in New York on 24 September 2003, issued a communiqué that expressed appreciation for the work done by the Commission, and looked forward to its final recommendations on the rehabilitation of the justice system. The limited pool of professionally trained and experienced jurists, as well as a lack of effective working coordination between the Judicial Reform Commission and other elements of the justice sector, such as the Minister of Justice and the head of the Supreme Court, have impeded progress in the sector. Efforts (led by Italy) are now focussed on improving the coordination between the permanent institutions, the Supreme Court, the Ministry of Justice and the Office of the Attorney-General.

23. A strategy that provides for complementary and coordinated undertakings for the reform of the justice, public administration and public infrastructure and security (including police, military and disarmament, demobilization and reintegration) sectors is critical to the establishment of the rule of law. As part of the efforts to strengthen governance at the provincial level, the justice sector is developing an integrated model of intervention in Paktia province, which combines reconstruction, rehabilitation and refurbishing of judicial and corrections buildings, training for magistrates, administrative justice personnel, police, corrections staff and defence counsels, and public awareness.

24. The absence of an international commitment to develop a penitentiary system is a significant obstacle to the establishment of institutions for the provision of law and order. Many of the concentrated efforts of the criminal justice system will be seriously diminished if the prison system is not working effectively.

G. Counter-narcotics activities

25. The countering of illegal narcotics activities in Afghanistan will continue to face numerous internal obstacles: an environment of rural underdevelopment, the absence of rule of law, the limitations on financial resources for law enforcement and the paucity of alternative livelihoods. Efforts to counter poppy production continue to meet with violent opposition in a number of areas. The perception that many local commanders and factional leaders, some Government officials and possibly terrorists derive income from the illegal narcotics trade is of particular concern and has troubling implications for the establishment of the rule of law.

26. The *Afghanistan Opium Survey 2003* of the United Nations Office on Drugs and Crime, released on 29 October, reported that Afghanistan remains the largest opium-producing country in the world. The annual income of opium farmers and traffickers is estimated to be some $2.3 billion, equivalent to half the published gross domestic product of the country. Ministry of Finance officials warn that the illegal narcotics trade, if it goes unchecked and if the national economy is not better supported, could overtake the country's legitimate economy and ultimately make Afghanistan a "narco-State".

27. Under the aegis of a 10-year plan, the Government, with the support of the United Kingdom of Great Britain and Northern Ireland, took several further steps towards combating illegal narcotics. During the reporting period, the Counter-Narcotics Directorate opened field offices in the provinces of Badakhshan, Balkh and Herat, where drug activity is prevalent. Additionally, on 20 October the Government passed a national drug law identifying drug-related crimes and strengthening penalties for trafficking and related activities. Ultimately, however, regional solutions that address transit routes and demand reduction are equally if not more critical.

H. International Security Assistance Force

28. On 11 August control of ISAF was transferred from Germany and the Netherlands to the North Atlantic Treaty Organization (NATO). This represented the first operation to be commanded by NATO outside of the territory of NATO member States, and it brought with it the benefit of continuity of command, as well as providing better-integrated control and logistic support. Encouragingly, it also saw a willingness to consider the expansion of the ISAF mandate beyond Kabul, as envisaged by the Bonn Agreement. The Security Council's adoption of resolution 1510 (2003) on 13 October, authorizing the expansion of ISAF, gave rise to optimism that stability would come to the areas most in need. The first fruit of this will be the replacement of a coalition provisional reconstruction team in Kunduz province, by German soldiers under ISAF command effective 31 December. There is unlikely to be further expansion of ISAF until more assets are available in country for it, namely, close air support, fixed-wing and rotary-wing lift capability, special forces capability and logistical support. All of this is not envisaged to be in place until early summer 2004, when it is hoped that five provincial reconstruction teams in the north of the country will change to ISAF command.

I. Provincial reconstruction teams

29. During the reporting period, three new provincial reconstruction teams were established under coalition command in Parwan (22 November), Herat (1 December) and Kandahar (11 December). With these new teams, there are now seven operational in the provinces. The teams in their present form are described in A/58/616, paragraphs 34 and 35. Plans are in place for the establishment of 10 additional coalition provincial reconstruction teams by early 2004. Priority is being given to creating a chain of provincial reconstruction teams across the east, south-east and south, including in Kunar, Nangahar, Zabul and Khost provinces. The coalition forces plan to establish brigade-level areas of operations across the country, with provincial reconstruction teams coming under the command of the local brigade commander, as opposed to the present arrangement by which the teams report directly to Kabul command structures.

30. Positive experience has been gained in the past few months with regard to the provincial reconstruction teams and the kind of contribution they can make to the Bonn process. In Gardez, their presence has made it easier for the central Government to effect overdue changes in the local security forces by helping deter local factional commanders from overturning Government decisions. In Mazar-i-Sharif, the provincial reconstruction team has assisted in bringing about and implementing a settlement after the latest round of fighting in the north. In Kandahar and Bamian, the teams have played an important role in creating security for the election of the delegates to the Constitutional Loya Jirga. In Gardez again, cooperation between UNAMA and the provincial reconstruction team has greatly helped the successful completion of the disarmament, demobilization and reintegration pilot project. Overall, we believe that the further deployment of the provincial reconstruction teams throughout the country will have a stabilizing effect in a variety of ways, including direct support for disarmament, demobilization and reintegration and voter registration; support for the deployment of newly trained police and the Afghan National Army; the provision of security expertise to existing local security forces; and reconstruction activities in areas where insecurity prevents other agencies from operating, particularly with regard to government infrastructure, secondary roads and water projects. In addition to the provincial reconstruction team concept, the possible use of temporary deployments of ISAF troops for specific, short-term security and Bonn-related tasks, as is currently being considered by NATO, would likely be very useful in the Afghan context.

J. Government authority

31. During the reporting period, the central Government continued to take steps towards expanding its effective control across the country. Earlier reform measures (see A/57/850-S/2003/754, paras. 2-10), have gradually yielded results, such as increased revenue collection from the provinces. With assistance from the international community, during the reporting period communication links have been established between provincial centres and Kabul, as well as between provincial police stations and the Ministry of Interior. This provides a direct line to local administrations and ties the regions to the capital. More communication equipment was donated to the Ministry of Interior by Japan in mid-December 2003.

32. Nevertheless, insecurity continued to be a significant constraint. Beyond Kabul, some factional leaders continued to resist the Government's efforts to install national appointees in the provinces and districts. Where appointments have been implemented, the lack of institutional support, particularly from the police, has seriously curtailed the implementation of Government programmes. In the province of Kandahar, currently one of the most volatile areas of the country, a capable Governor has recently been installed, but lacks necessary material and logistical support. The number of trained police is insufficient, as is funding for their salaries and basic equipment requirements. A notable exception is Gardez, where, as mentioned in paragraph 30 above, the presence of international and Afghan National Army forces in the area has deterred active resistance to the appointment of senior officials. These officials have been supported by a credible and sustained police presence and, within a few months, there has been a marked increase in stability.

33. With these lessons in mind, the central Government is working closely with UNAMA, the coalition forces, ISAF and donor Governments to formulate a nationwide stabilization plan aimed at bringing together security improvements, better local governance and reconstruction activities. Under a pilot programme in Kandahar, a series of steps are being taken, including regionally based police training, which will begin around 20 December, the deployment of 300 national police from Kabul and a disarmament, demobilization and reintegration project, which is scheduled to commence in early 2004. A newly established provincial reconstruction team will provide security assistance for these efforts, supervising local police training, supporting the deployment of the Afghan National Army and undertaking reconstruction of critical Government infrastructure.

III. Status of political processes under the Bonn Agreement

A. Constitutional reform

34. The draft Constitution was made public on 3 November by the Constitutional Review Commission, the culmination of a drafting process that included a significant national consultation. The draft provides for a strong presidential system of government and a bicameral legislature, codifies respect for fundamental rights, including those enshrined in the Universal Declaration of Human Rights, and calls for the laws of the nation not to be in contradiction with the religion of Islam. The draft also outlines transitional measures, including those for elections. Decrees on the holding of presidential elections would be issued within six months following the adoption of the Constitution, and legislative elections are scheduled to take place no more than one year after presidential elections. Public reaction to the draft focused mainly on three issues: the form of government, the structure of the State and the role of Islam, and the status of national languages.

35. Five hundred and two delegates are participating in the Constitutional Loya Jirga, comprising 340 delegates elected from provinces, 110 elected from special constituencies (women's groups, nomads, religious minorities) and 52 appointed by the President. Of the latter, half are women. An initial period of 10 days has been set aside for the Constitutional Loya Jirga.

36. To mitigate security threats, the elections for the delegates to the Constitutional Loya Jirga were held in eight regional centres (as well as in the

Islamic Republic of Iran and Pakistan for refugees) and were completed on 8 December. The nature of the elections for the Loya Jirga has come under the critical scrutiny of a number of independent organizations, and there have been allegations of interference by factional leaders in the form of bribery and intimidation. The Executive Committee specifically set up for the purpose has reviewed many cases and invalidated a number of election results. In Afghanistan's present circumstances, the election results yielded the best possible outcome under security conditions that were far from perfect.

37. On 14 December the Constitutional Loya Jirga commenced its deliberations. It has approved its rules of procedure and elected its Chairman, Sebghatullah Mojaddedi. Additionally, four Deputy Chairpersons, including one woman, and three rapporteurs, two of whom are women, make up the Bureau. Ten working committees have been established to review the draft and propose amendments. While debate has been vigorous, delegates have expressed concerns about domineering attitudes expressed by jihadi groups in the Constitutional Loya Jirga. At the time of writing, the Loya Jirga was ongoing.

B. Electoral registration

38. Credible elections that advance the peace process will require an environment that allows the exercise of political rights, including freedoms of expression and association. Lacking this, the outcome of elections risks merely legitimizing through the ballot box political figures whose current authority stems from the use of force.

39. During the reporting period, the Transitional Government established the institutional, and in particular much of the legal institutional, framework necessary for the voter registration process. On 26 July 2003 the Joint Electoral Management Body was established to oversee the registration process. Comprising six Afghan Interim Electoral Commissioners and five international electoral experts (including the UNAMA Chief Electoral Officer), the Joint Electoral Management Body will issue regulations and guidelines, register parties and certify the final voter registry. The Interim Afghan Electoral Commission, comprising six members, was established the same day and has been working, with the support of UNAMA and UNDP, on the registration exercise. This has included the development of a public information/civic education strategy, as well as the process of hiring and training some 5,000 Afghan registrars.

40. Completing the electoral process will require overcoming major challenges in terms of geography and climate, culture, securing donor resources and security. The challenges of timely funding and security will be the most difficult to overcome. In August the Government of Afghanistan, UNAMA and UNDP presented to donors a budget of some $78 million. The lack of early donor response caused the start of registration to be delayed from 15 October to 1 December. To date, some $40 million has been contributed and committed for the registration project. While this has been sufficient to permit the start of voter registration on 1 December, funding remains a concern for the future.

41. In the first phase of registration, 28 electoral sites have been established in eight regional centres. Between 1 and 23 December, 125,240 voters were registered, 18 per cent of whom were women. This was accomplished with a limited number of registration centres because of security concerns. The current rate of registration,

however, is far below the rate necessary to complete registration for elections next year. The second and third phases of the exercise provide for the deployment of registration teams to the provincial capitals and remote rural areas, respectively. Current security arrangements are not sufficient to allow full access to all rural areas for the third phase. Hopefully, ongoing efforts to deploy more provincial reconstruction teams and enhance Government security capabilities will address the problem, but time is of the essence. Clearly, the safety of staff and participants is of paramount concern, and the implementation of the process will have to remain under constant review. Further recruitment of international staff of United Nations Volunteers (UNV) into Afghanistan and UNV deployment of existing staff to the regions to serve as registration supervisors has been suspended for security reasons. Options for increasing the role of non-United Nations Afghan electoral institutions to staff the registration process are currently being assessed by UNAMA and the Joint Electoral Management Body. This would accelerate the "Afghanization" of the Electoral Commission secretariat, reduce the number of international staff needed on registration teams and thereby potentially reduce the threat to them. Nevertheless, to the extent the electoral process as such is targeted, Afghan staff will remain just as vulnerable as international staff.

42. As a complement to the electoral programme, a $9 million registration security project has also been designed and presented to donors. The project will support the training and deployment of some 1,200 Afghan police alongside registration teams. This project, which is to be financed through the Law and Order Trust Fund for Afghanistan, is fully funded. To date, 105 national registration security policemen have been trained, and once payment mechanisms are in place, they will be deployed. Pending this, provincial police have been available to protect registration sites. UNAMA is currently discussing with the Afghan Government and international partners how this project might be expanded to help provide security to other critical elements of the Bonn process, including security for the United Nations and international aid community in critical areas.

C. Regional relations

43. In a very welcome development, on 22 September 2003 Afghanistan and its neighbours signed in Dubai the Declaration on Encouraging Closer Trade, Transit and Investment Cooperation, to respect and build upon their commitments to support regional political stability and mutual economic well-being. Relations between Afghanistan and Pakistan have experienced some tensions, expressed publicly, during the reporting period, though this trend has been reversed recently. The infiltration of elements hostile to the Afghan Government across the border from Pakistan to Afghanistan has remained a serious concern. To deter this infiltration Pakistan has deployed and maintained troops along its border with Afghanistan. Such operations along the border are an important part of the effort to deter Taliban and other anti-Afghan Government activity. However, there remain persistent reports of Taliban leaders operating inside Pakistan as well. The tripartite commission formed by Afghanistan, Pakistan and the United States of America is working to address the issue of cross-border security and other mutual security concerns, and it is hoped that through this mechanism and other, bilateral contacts, the problem of cross-border destabilizing activities will be effectively contained.

IV. Human rights

44. UNAMA continues to monitor and investigate human rights violations, to ensure that human rights fundamentals are incorporated in the process of institution-building and to support the Afghan Independent Human Rights Commission as the primary national institution responsible for protecting and promoting human rights. The overall human rights situation during the reporting period has not improved, and is unlikely to do so until the security situation does so.

45. Issues noted in previous reports continue to be a subject of concern, including intimidation against independent media and political groups; human rights violations committed by local government officials, particularly police, including arbitrary arrests, intimidation, torture and extrajudicial killings; abuses committed by local commanders and armed groups, such as extortion, intimidation, rape, murder, illegal detention and forced displacement; abuses against women and children, including trafficking, sexual violence and forced marriage; and property seizure and forced displacement, particularly by government officials using the cover of law for personal gain. Abuses committed by local commanders and armed groups remain of serious concern. Notwithstanding the above-mentioned efforts to expand its authority, the Government remains, in too many cases, unable to address arbitrary rule by too many of its own agents.

46. However, there have been a number of positive signs during the reporting period. Some local officials, including senior police officers, have been removed following monitoring and investigative work carried out jointly by the Afghan Independent Human Rights Commission and UNAMA. For example, in Herat the Minister of Interior removed the Chief of Criminal Police, who was allegedly involved in many abuses, including illegal detention and torture, after a joint investigation by the Commission, the Ministry of Interior and UNAMA. In response to concerns about child trafficking, a number of awareness-raising workshops have been organized jointly between the Commission and UNAMA. The Ministry of Interior and the Ministry of Labour and Social Affairs are also taking an earnest interest in the problem and are seeking to develop mechanisms to address it. A number of apparently trafficked children have been returned, and the border police have increased vigilance to prevent cross-border trafficking. Land disputes, forcible occupation of lands and properties by commanders and forced evictions make up a significant portion of complaints received by UNAMA and the Commission.

47. The forced eviction of families in Shirpur village in Kabul and the distribution of lands by the Ministry of Defence and the municipality for the private use of government officials and their associates were highlighted by the Afghan Independent Human Rights Commission, the Special Rapporteur of the Commission on Human Rights on adequate housing and UNAMA in September. As a result, the President appointed a commission to inquire into the incident. The Chief of Police who was directly involved in the demolition of houses was removed from his post.

48. The Afghan Independent Human Rights Commission continues with the implementation of its work plan to promote and protect human rights, with the assistance of the Office of the United Nations High Commissioner for Human Rights, UNAMA and UNDP. Importantly, the Commission has been an active partner in monitoring and investigating the above-mentioned allegations of human rights violations; over 930 complaints have been registered and investigated since

January 2003. The Commission is also working with UNAMA and the Executive Committee to monitor the Constitutional Loya Jirga and to investigate complaints and issues of concern. Each of the Commission's seven regional offices has professional staff in the five areas of the Commission's work: monitoring and investigations, human rights education, women's rights, children's rights and transitional justice. However, it should be noted that the Commission is not able to follow up on a large number of complaints it receives because of the prevailing security situation and the involvement of high-ranking officers. A concerted effort by the international community is needed not only to continue to support the institution-building efforts, but also to implement the commitment made to expand the international security forces beyond Kabul.

V. Relief, recovery and reconstruction

49. By December 2003, international financial commitments in support of the national development budget for Afghan fiscal year 1382 (March 2002-March 2003) amounted to just under $1.6 billion, against an overall budget requirement of $1.8 billion. However, actual disbursements have been much lower, amounting to $776 million, or only 43 per cent of requirements. With only three months remaining in the current fiscal year, over 50 per cent of international commitments is yet to be disbursed.

50. At the same time, Afghanistan has received an additional $90 million in funds for projects outside of the cabinet-approved national development budget, and $40 million has been directed to programmes, mainly for refugee and repatriation support, outside of the country. The Ministry of Finance is currently taking steps to integrate off-budget projects into the development budget for 1383.

51. A provincial breakdown of international disbursements in support of the national development budget shows considerable variation across the country, with Kabul receiving a high concentration of support. As the Transitional Administration attempts to improve the social and geographic equity of recovery and development programmes, more analysis is needed to determine how the supply of international funds can be better directed towards local needs.

52. For its part, the United Nations activities in support of the national development budget include some $730 million in programmes, of which $372 million, or 51 per cent, has been received by agencies.

53. The Ministry of Finance is currently leading a study, entitled "Securing Afghanistan's future", to determine the costs of recovery and reconstruction to 2015. This is a target-based study, covering all sectors of the National Area-Based Development Programme, including an in-depth look, for the first time, at long-range national and internal security requirements. The objective of the effort is to present an authoritative report to an international conference that is being scheduled for early in the new year. Cutting through the sector analysis, two themes will be given particular attention. The first is the issue of the equity of investments in the development of Afghanistan's social capital. The second area of focus is the role of markets and the private sector as mechanisms for long-term development.

54. The study builds on the initial round of needs assessments carried out by the World Bank, the Asian Development Bank and UNDP immediately following the

signing of the Bonn Agreement in late 2001, but incorporates new knowledge, acquired over the past two years, about the long-term costs of recovery, including the additional costs of insecurity. A team of about 150 experts has been assembled for this exercise. UNAMA is directly supporting the analysis of needs on security sector reform, which includes long-term projections in the areas of police, the national army, drug control, justice, mine action and disarmament, demobilization and reintegration. The study reflects a convergence of national and international interests, as several key donors have been requested by the Transitional Administration to provide a longer-term strategic vision for recovery.

55. The first cash payments of the National Solidarity Programme were made this month in four provinces: Kandahar, Farah, Herat and Parwan. This involved a total payout of approximately $228,000 (11 million afghanis) to some 14 villages, each comprising at least 100 families. Payouts for each village ranged from $2,500 to $45,000, depending on the size of the project. The National Solidarity Programme is administered by the Ministry of Rural Rehabilitation and Development and funded by the World Bank, and implementation is supported by the United Nations Human Settlements Programme and some 21 national and international non-governmental organizations. The National Solidarity Programme is designed to empower local communities to make decisions, allocate resources and manage their own reconstruction projects. The communities elect representatives who then identify and submit projects for approval under the Programme.

56. For the first year of the project, it is expected that $150 million will be disbursed to over 7,000 villages, with plans for similar expenditures in 2005 and 2006. The National Solidarity Programme, one of the point 6 priority projects, is funded by the World Bank.

Roads

57. In the vital roads sector, the United States of America and Japan, with the participation of Saudi Arabia, began repairing six sections of the Kabul-Kandahar highway, totalling 439 kilometres in length, in July 2003. The road was inaugurated on 16 December, in a ceremony led by President Karzai. Some 90 delegates to the Constitutional Loya Jirga participated. Elsewhere, Pakistan and the European Union are undertaking the reconstruction of the Torkham-Kabul road, the Asian Development Bank is proceeding on the Spin Boldak-Kandahar sector and the Islamic Republic of Iran should complete work on the Islam Qala-Herat road early next year. As part of a $108 million World Bank emergency transport rehabilitation programme, reconstruction of the Salang Tunnel, the main road link between the north and south of the country, began in July 2003 under the supervision of the Ministry of Public Works.

VI. Mission support

58. As noted above, in response to the increased threat of attacks targeting United Nations staff and premises, UNAMA and United Nations agencies have been reviewing and, where necessary, upgrading security measures at all office compounds and residences. Physical measures to bring these facilities into compliance with United Nations minimum operating security standards have

included the installation of reinforced gates, concertina wire and blast film on windows, as well as the redoubling of armed guards.

59. During the reporting period, new UNAMA electoral offices were constructed in the eight regional centres in time for the start of the 1 December registration. Construction has also started on separate UNAMA passenger and cargo terminal facilities at Kabul International Airport.

VII. Observations

60. The ultimate aim of the Bonn process is of course to ensure Afghanistan's transition from the war and instability of the past 23 years to a degree of peace and stability that is irreversible, with a constitutionally empowered and democratically elected Government and the necessary security and financial resources to provide a sound basis for the country's continued development. Over the past two years, much progress has been made towards that end. However, critical challenges now face the process, and Afghanistan and the international community will need to take further steps, expeditiously, if the process is to be successfully concluded.

61. Chief among these challenges is the problem of insecurity created by factional misrule in the provinces, and by the efforts of "spoilers", including Taliban elements, loyalists of Gulbuddin Hekmatyar and possibly Al-Qaida to disrupt the peace process and the reconstruction effort using tactics of terror and insurgency. With currently limited national army, police and international security resources to provide protection, insecurity in the south and south-east, particularly, has had the effect of shrinking the area in which the Government, the United Nations and the international community can effectively operate. This has negative implications for both the reconstruction effort and the political processes of Bonn. The Government, ISAF, the coalition forces and the United Nations are working hard to better coordinate and increase the resources available on the ground to address the problem, but, as yet, these are too limited to ensure the completion of the Bonn process.

62. To date, the political elements of the Bonn process have been successfully carried forward by concentrating activities in city and regional centres, thereby mitigating threats that predominated in rural areas. Thus, for example, the public consultations on the Constitution, which would preferably have been conducted right down to the district level, were held in provincial capitals. Likewise, the registration and election of Constitutional Loya Jirga delegates drew on the process used for Emergency Loya Jirga district delegates and took place at protected provincial and regional centres, since a new series of elections beginning at the district level was no longer possible in all areas. The recent attacks on the United Nations in the cities of Kandahar and Ghazni, and threats by people claiming to speak on behalf of the Taliban, have highlighted that security threats for international personnel and for the Bonn process now exist in city centres.

63. With the start of electoral registration, the Bonn process has now arrived at the point where such mitigation strategies cannot suffice. The number of registration centres currently open is too low to meet the target rate of registration. Direct access to each of up to 10 million eligible voters must be available, and lack of access due to insecurity will result in the disenfranchisement of voters. Given that inaccessible areas are concentrated in the south, this disenfranchisement would have most

damaging ethnic undertones. Also, while presidential elections based on a single national constituency might still credibly be held if a few small areas were left out, (although there would be risks if the winner had only a small margin of victory), legislative elections would not be possible. It is therefore urgently important that the Afghan Government, ISAF and the coalition forces take every measure possible to resolve the security problems facing the electoral process.

64. Security for elections must involve more than the protection of electoral stations and staff. There must also be an environment enabling free political organization and expression. To limit the constraints on political freedom currently maintained by factional leaders through their military dominance in the regions, it is critical that the disarmament, demobilization and reintegration process also move forward. The planned expansion of international security assistance beyond Kabul can accelerate the disarmament, demobilization and reintegration process in a number of ways, including by monitoring the process, encouraging the factional commanders to participate and accelerating the build-up of national army and police forces in the regions to replace demobilized units. Here too, time is of the essence, as the expansion currently planned by NATO is not expected to take effect for some months. I urge NATO and the coalition forces to take every measure possible to speed the deployment of security assistance in the provinces.

65. The Afghan Transitional Administration and the international community have been partners in the Bonn process, a partnership characterized by a high degree of mutual cooperation and support, which is to be commended. Others, who wish to stop the process, have shown that they are reorganizing. It may be said that now there is a race between those who support the Bonn process and those who wish to see it fail.

66. I believe that this race certainly can be won, but complacency is not an option, and we must resolutely take the steps necessary to ensure success. I believe the time has come for the international community, the Afghan Government and, indeed, all Afghans committed to peace in their country to come together, assess the progress made and make the necessary commitments to complete the transition in Afghanistan. President Karzai and Minister for Foreign Affairs Abdullah discussed with the Security Council mission that visited Afghanistan the possibility of a second international conference on Afghanistan. In line with the Council's request to me to further explore that possibility, my Special Representative for Afghanistan has circulated a non-paper to the Afghan Government and diplomatic corps in Kabul. The non-paper acknowledges gains made under the Bonn process so far, but points out that to ensure success, further reforms are needed to broaden the representativeness of the Government, improvements in the security situation must be made to end the misrule of factions and counter at all levels the threat from terrorists, and more progress in reconstruction must be made. The non-paper further argues that donor commitments are needed, beyond the timelines of the Bonn Agreement, to consolidate Government authority, entrench the rule of law, counter the threat of the narcotics economy and carry Afghanistan's peace process to the point of irreversibility.

67. One way of addressing the issues raised in that non-paper might be the convening of a new political and donor conference, in the first months of 2004, to chart the way forward. Its aim should be to strengthen the gains made and accelerate the implementation of the Bonn Agreement. Such a conference would also help

ensure the success of presidential elections in mid-2004, as it would help address some of the challenges that now lie in the path of the Bonn process. A clear plan, coupled with finances conditional on its implementation, will provide a strong signal that the resolve of the Afghan leadership and the international community remains firm.

68. The outcome of the ongoing Constitutional Loya Jirga remains to be seen. Afghans listening to and watching the live broadcasts are observing open political debate of a kind that has been absent in their country for many years. They hope the delegates to the Loya Jirga will undertake their historic responsibility in a spirit of compromise and with the aim of consensus, so that the new Constitution can be a foundation for a new Afghanistan, at peace with itself and its neighbours.

69. Finally, on the occasion of his departure, I wish to pay a special tribute to Lakhdar Brahimi, my Special Representative, for his exceptional leadership and commitment, and to all the men and women of UNAMA and its partner organizations for their outstanding efforts on behalf of Afghanistan.

United Nations S/2003/1213

Security Council

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30 December 2003

Original: English

Report of the Secretary-General concerning the credentials of the representatives and deputy and alternate representatives of the members of the Security Council elected for the period 2004-2005

1. At its 42nd plenary meeting, on 23 October 2003, the General Assembly elected Algeria, Benin, Brazil, the Philippines and Romania as non-permanent members of the Security Council for a term of two years beginning on 1 January 2004.

2. Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that, with regard to the representation of the members of the Council elected for the period 2004-2005, he has received the communications referred to hereunder.

Algeria: Credentials from the Minister for Foreign Affairs of Algeria, signed on 17 November 2003, stating that Mr. Abdallah Baali has been appointed representative of Algeria on the Security Council, Mr. Mourad Benmehidi, deputy representative, and Mr. Mohamed Lamine Ben Cherif, Mr. Larbi Djacta, Mr. Mahieddine Djaffal, Mr. Saad Maandi, Mr. Larbi Katti, Mr. Ali Hafrad and Ms. Nadjeh Baaziz, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Benin: Credentials from the Minister for Foreign Affairs and African Integration of Benin, singed on 11 December 2003, stating that Mr. Joël Wassi Adechi has been appointed representative of Benin on the Security Council and Mr. Edouard Aho-Glele, Mr. Francis Zinsou, Ms. Nicole Elisha, Ms. Fernande Houngbedji, Mr. Eric Saizonou, Mr. Thomas Guèdègbé and Mr. Karimou Z. Alfa, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Brazil: Credentials from the Minister of Foreign Relations of Brazil, signed on 12 December 2003, stating that Mr. Ronaldo Mota Sardenberg has been appointed representative of Brazil on the Security Council, Mr. Henrique Valle, deputy representative, and Mr. Paulo Roberto Campos Tarrisse da Fontoura, Ms. Irene Vida Gala, Mr. Marcelo Baumbach, Ms. Gilda Motta Santos-Neves, Mr. Marcelo Marotta Viegas, Mr. João Marcelo Galvão de Queiroz, Mr. Elio de Almeida Cardoso and Mr. Luis Guilherme Nascentes da Silva, alternate representatives.

03-67538 (E) 311203

In the opinion of the Secretary-General, these credentials are in order.

Philippines: Credentials from the Secretary of Foreign Affairs of the Philippines, signed on 28 November 2003, stating that Mr. Lauro L. Baja, Jr., has been appointed representative of the Philippines on the Security Council, Mr. Bayani S. Mercado, deputy representative, and Mr. Leslie B. Gatan, Mr. Ancleto Rei A. Lacanilao and Ms. Ma. Teresa L. Taguiang, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Romania: Credentials from the Minister for Foreign Affairs of Romania, signed on 24 November 2003, stating that Mr. Mihnea Motoc has been appointed representative of Romania on the Security Council, Mr. Gheorghe Dumitru, deputy representative, and Mr. Marius Ioan Dragolea and Mr. Ionut Suseanu, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

United Nations S/2003/1214

Security Council

Distr.: General
30 December 2003

Original: English

Letter dated 24 December 2003 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Peacekeeping Force in Cyprus (UNFICYP).

As Lieutenant General Jin Ha Hwang (Republic of Korea), who has been the Force Commander of UNFICYP since 16 January 2002, will relinquish his post on 25 December 2003, I have decided to appoint Major General Herbert Joaquin Figoli Almandos (Uruguay) as the next Force Commander of UNFICYP.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-67518 (E) 301203

United Nations S/2003/1215

Security Council

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30 December 2003

Original: English

Letter dated 30 December from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 24 December 2003 (S/2003/1214) concerning your decision to appoint Major General Herbert Joaquin Figoli Almandos (Uruguay) as the next Force Commander of the United Nations Peacekeeping Force in Cyprus (UNFICYP) has been brought to the attention of the members of the Security Council. They take note of the decision contained in that letter.

(*Signed*) Stefan **Tafrov**
President of the Security Council

03-67524 (E) 301203

United Nations S/2003/1216

Security Council

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31 December 2003

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Letter dated 31 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

I have the honour to transmit herewith the annual report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (see annex), containing an account of the Committee's activities for the year 2003. The report, which was adopted by the Committee on 31 December 2003, is being submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(*Signed*) Stefan **Tafrov**
Chairman
Security Council Committee established pursuant
to resolution 751 (1992) concerning Somalia

03-67596 (E) 060104

Annex

Report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia covers the period from 1 January to 22 December 2003.

2. The report of the Committee covering its activities from 1 January to 27 December 2002 (S/2002/1430, annex) was submitted to the Security Council on 30 December 2002.

3. For 2003, the bureau consisted of Stefan Tafrov (Bulgaria) as Chairman, with the delegations of Mexico and Germany as Vice-Chairmen (see S/2003/10).

4. The Committee held five formal meetings and five informal meetings in 2003.

II. Background

5. On 12 March 2003, the President of the Security Council issued a statement (S/PRST/2003/2) on behalf of the Council, noting with serious concern the continued flow of weapons and ammunition supplies to Somalia, and calling on all States and other actors to comply scrupulously with the arms embargo.

6. In paragraphs 3 to 5 of resolution 1474 (2003) of 8 April 2003 concerning Somalia, the Security Council requested the Secretary-General to re-establish a Panel of Experts and mandated it, inter alia, to investigate the violations of the arms embargo covering access to Somalia by land, air and sea (see para. 20 below). In paragraph 8 of resolution 1474 (2003), the Security Council decided to send a mission of the Committee, led by the Chairman, to the region to demonstrate the Council's determination to give full effect to the arms embargo (see para. 14 below). In paragraph 9 of resolution 1474 (2003), the Security Council called upon all States, in particular those in the region, to provide the Committee with all available information on violations of the arms embargo.

7. On 11 November 2003, the President of the Security Council issued a statement (S/PRST/2003/19) on behalf of the Council, welcoming the Committee's mission to the region and calling on relevant States and organizations to cooperate with the mission.

8. In paragraph 2 of resolution 1519 (2003) of 16 December 2003, the Security Council requested the Secretary-General to establish a Monitoring Group composed of up to four experts, for a period of six months, to be based in Nairobi, with a mandate focused on the ongoing arms embargo violations, including transfers of ammunition, single use weapons and small arms. In paragraph 4 of the resolution, the Council requested all Somali and regional parties as well as government officials and other actors contacted outside the region to cooperate fully with the Monitoring Group in the discharge of its mandate.

III. Summary of the Committee's activities

9. On 28 February, 12 March and 23 April 2003, informal meetings of the Committee were convened on the findings of the Panel of Experts and to discuss the recommendations contained in the report submitted to the Committee on 25 March 2003 (see S/2003/223). On 4 April 2003, the 22nd formal meeting of the Committee was convened to conclude the consideration of the report of the Panel of Experts.

10. On 12 May 2003, the 23rd formal meeting of the Committee was held in order for the Committee to meet with the four members of the re-established Panel of Experts. At the same meeting, the Panel outlined briefly its work plan and sought the Committee's views on how to implement the Panel's mandate.

11. On 13 August 2003, the 24th formal meeting of the Committee was convened to hear an oral midterm briefing of the re-established Panel of Experts, in accordance with paragraph 7 of resolution 1474 (2003). The Panel described its work and preliminary findings as well as its work plan for the remainder of its six-month term and replied to questions raised by Committee members in this regard. At the same meeting, the Committee took note of the Chairman's intention to lead a mission of the Committee to the region between 5 and 17 October 2003, pursuant to paragraph 8 of resolution 1474 (2003).

12. On 22 October 2003, the Committee held its 25th formal meeting to discuss the preparations for the mission, which had been rescheduled for 11 to 21 November 2003. Members of the Committee agreed on the mission's itinerary and on the points to be raised by the Chairman of the Committee with respective interlocutors in the region.

13. On 4 November, at an informal meeting, and on 10 November 2003, at the 26th formal meeting, the Committee heard a presentation by the re-established Panel of Experts on its findings and recommendations contained in its final report (S/2003/1035), submitted in accordance with paragraph 7 of resolution 1474 (2003). As agreed at the 26th formal meeting, the Chairman provided a factual account of the Committee's discussions on the Panel's report to the Security Council on 3 December 2003.

14. On 26 November 2003, an informal meeting of the Committee was convened to discuss the report on its mission to the region. Between 11 and 21 November 2003, the mission visited Djibouti, Egypt, Eritrea, Ethiopia, Italy, Kenya and Yemen; owing to security considerations, travel to Somalia had not been possible. The mission met with a wide range of interlocutors, including senior officials from Governments, military officials as well as representatives of Somali political parties and civil society. It also met with the heads of the African Union, the Intergovernmental Authority on Development and the League of Arab States.

15. Further to paragraph 8 of resolution 1407 (2002) and/or in reply to the Chairman's note verbale (SCA/1/02(09)) of 7 June 2002 (see S/2002/1430, paras. 11-12 and appendix), an additional four replies were received from Member States (see appendix).

IV. Other issues

16. On 7 February, 22 August and 5 September 2003, the Committee approved requests from the United Kingdom of Great Britain and Northern Ireland, on behalf of Halo Trust, to import humanitarian mine-clearance equipment to Somalia and, on behalf of the United Nations Development Programme, to import humanitarian equipment to Somalia for the UNDP Rule of Law and Security Programme, under the no-objection procedure.

17. On 10 April 2003, in a letter addressed to the President of the Security Council (S/2003/423), the Permanent Representative of Somalia to the United Nations conveyed his Government's intention to cooperate fully with the re-established Panel of Experts.

18. On 5 May 2003, the Chairman, on behalf of the Committee, sent letters to the African Union, the League of Arab States, the International Civil Aviation Organization, the International Maritime Organization and the United Nations Department for Disarmament Affairs seeking their views on the recommendations contained in the report of the Panel (S/2003/223). The Chairman received written replies from the League of Arab States, the International Civil Aviation Organization and the United Nations Department for Disarmament Affairs. On 15 December 2003, the Chairman, on behalf of the members of the mission of the Committee, sent a letter to the United Nations Environment Programme regarding the environmental degradation of Somalia.

V. Summary of the activities of the Panel of Experts

19. The Panel of Experts, established on 4 September 2002 pursuant to paragraph 11 of resolution 1425 (2002), concluded its work on 3 March 2003. In its final report (S/2003/223) the Panel recommended that its mandate be further extended by six months in order to investigate further violations of the arms embargo, including identification of violators and their supporters.

20. On 30 April 2003, pursuant to paragraphs 3 to 5 of resolution 1474 (2003), the Secretary-General appointed four members, including the Chairman, to the re-established Panel of Experts, to be based in Nairobi for a period of six months (see S/2003/515). The re-established Panel commenced its mandate on 12 May 2003. At the midterm briefing, on 13 August 2003, the Chairman of the re-established Panel reported on continued violations of the arms embargo in Somalia. He informed the Committee that information gathering continued in collaboration with Governments in and outside of the region, international and non-governmental organizations, academic/research institutions as well as representatives of civil society. In its final report, submitted to the Committee on 27 October 2003 (S/2003/1035), the re-established Panel recommended that the arms embargo continue but observed that monitoring was critical to ensure its effectiveness.

VI. Conclusions and observations

21. During 2003, the Committee stepped up markedly its level of engagement. The activities of the Panel of Experts during the year as well as the Committee's mission to the region in November are clear indications of its determination to give full effect to the arms embargo on Somalia. The Security Council's decision of 16 December 2003 to establish a Monitoring Group further underlines the Committee's important role in the implementation of the arms embargo on Somalia. As in the past, the Committee continues to rely on the cooperation of States and organizations in a position to provide information on violations of the arms embargo.

Appendix

Additional replies received from States in accordance with paragraph 8 of resolution 1407 (2002) and/or in reply to note verbale SCA/1/02(09)

	State	*Date of report*	*Symbol*
39	Ukraine	10 March 2003	S/AC.29/2002/36/Add.1
40	Argentina	24 January 2003	S/AC.29/2003/1
41	Argentina	27 May 2003	S/AC.29/2003/1/Add.1
42	United Kingdom	19 February 2003	S/AC.29/2003/2

United Nations S/2003/1217

Security Council

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Small arms

Report of the Secretary-General

Summary

The present report reflects initiatives undertaken to implement the recommendations of the Secretary-General on ways and means in which the Security Council could contribute to dealing with the question of illicit trade in small arms and light weapons in situations under its consideration.

03-67365 (E) 080104

I. Introduction

1. The present report is submitted pursuant to the last paragraph of the statement by the President of the Security Council of 31 October 2002,[1] whereby I was requested to submit a report to the Council on the implementation of all the recommendations contained in my report on small arms[2] on ways and means in which the Security Council could contribute to dealing with the question of the illicit trade in small arms and light weapons in situations under its consideration. The present report has been prepared by the Department for Disarmament Affairs in cooperation with the Department of Political Affairs, the Department of Peacekeeping Operations and the International Criminal Police Organization (Interpol).

II. Actions undertaken

Recommendation 1

The Security Council may wish to call upon Member States to support efforts aimed at developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

2. In the statement by its President of 31 October 2002,[1] the Security Council welcomed the establishment of the United Nations Group of Governmental Experts with a mandate to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The Group was established by the Secretary-General[3] pursuant to General Assembly resolution 56/24 V of 24 December 2001, entitled "The illicit trade in small arms and light weapons in all its aspects".

3. The Group adopted by consensus a report that examined the nature and scope of the problem posed by illicit small arms and light weapons; described the existing international and regional initiatives on marking, tracing and keeping records on these weapons; and discussed the technical, legal and policy issues associated with tracing.[4] The report concluded that it was feasible to develop an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. It further recommended that the General Assembly take a decision at its fifty-eighth session on the negotiation of such an instrument.

4. At its fifty-eighth session the General Assembly adopted resolution 58/241 of 23 December 2003, entitled "The illicit trade in small arms and light weapons in all its aspects", by which it welcomed the report of the Group and decided to establish an open-ended working group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

Recommendation 2

Member States should be called upon to use as required, and to provide technical and financial support to, the Interpol Weapons and Explosives Tracking System.

5. Following its open debate on small arms,[5] the Security Council, in the statement by its President of 31 October 2002,[1] inter alia, welcomed the identification of arms traffickers who have violated the arms embargoes established by the Council and called upon Member States to impose appropriate penalties on arms traffickers who have violated its arms embargoes and to provide technical and financial support to the Interpol Weapons and Explosives Tracking System (IWETS).

6. In this connection, it is worth mentioning that a feasibility study by an international IWETS project team has been completed and is presently being reviewed by the Interpol secretariat. Additionally, a technical evaluation is being made to determine the best method to integrate the IWETS application with other Interpol communication systems to ensure that Member States are provided with a usable tool to fight terrorism and criminal activities.

7. The IWETS project team is still utilizing the initial funds provided by the United States of America for the feasibility study. Additionally, the Interpol secretariat has provided supplemental funding. Other than the United States of America, no United Nations Member State has been called upon to provide funding or technical assistance. It is anticipated that additional funding will be required in the future to make IWETS available to Member States.

8. At the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in July 2003 at United Nations Headquarters in New York, a number of States noted the need to strengthen the capacity of Interpol to assist in enhancing information exchange and collaboration between customs officials and the police.[6]

Recommendation 3

Member States that are in a position to assist the Secretariat in establishing the small arms advisory service, on the basis of extrabudgetary resources, should be encouraged to do so.

9. The Under-Secretary-General for Disarmament Affairs, in his statement during the open debate of the Security Council on the question of small arms held on 11 October 2002,[5] emphasized the critical role that the United Nations had played in placing the issue of small arms and light weapons on the international agenda, which led to the adoption of the Programme of Action at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001. The Under-Secretary-General also pointed out that the initiatives undertaken by States and civil society in implementing the Programme of Action have placed added pressure on the limited resources of the United Nations. Consequently, the Under-Secretary-General informed the Security Council that the Secretariat intended to establish a small arms advisory service within the Department for Disarmament Affairs, on the basis of extrabudgetary resources. The main purpose of that service is to enhance the effectiveness of the Coordinating Action on Small Arms (CASA)

mechanism, thereby enhancing the ability of the United Nations to assist Member States in the implementation of the Programme of Action. The small arms advisory service will serve as a permanent secretariat to CASA, which will optimize the mechanism's performance as both an inter-agency coordinating body and a service provider to Member States and the general public.

10. In the statement by its President of 31 October 2002,[1] the Security Council recognized the important role that the United Nations CASA mechanism could play in assisting Member States with the implementation of the Programme of Action and noted the proposal of the Secretariat to create the small arms advisory service. Some Member States have engaged in consultations with the Department for Disarmament Affairs with regard to the specific modalities of support for the establishment of the service.

Recommendation 4

The Council may wish to consider means by which its interaction with the General Assembly on issues relating to small arms might be enhanced, so as to promote the further development of long-term strategies to halt the scourge of the illicit proliferation of small arms within the framework of international efforts aimed at conflict prevention and peace-building, and in the context of the Programme of Action adopted at the July 2001 United Nations Conference on small arms.

11. In the statement by its President of 31 October 2002,[1] the Security Council stressed the importance of further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons and called upon States that have not already done so to establish, where applicable, a national register of arms brokers and, in the case of the supply of arms to embargoed destinations, of intermediary firms, including transport agents.

12. Following the issuance of that Presidential statement, the General Assembly, in its resolution 57/72 of 22 November 2003, entitled "The illicit trade in small arms and light weapons in all its aspects", decided to consider at its fifty-eighth session further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, taking into consideration the views of States.[7] At its fifty-eighth session, the Assembly, in paragraph 11 of its resolution 58/241, requested the Secretary-General to hold broad-based consultations with all Member States, interested regional and subregional organizations, international agencies and experts in the field on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, taking into consideration the views of States. The Secretary-General was also requested to report on the outcome of his consultations to the General Assembly at its fifty-ninth session.

13. The issue of end-user certificates (see recommendation 9 below), which was emphasized in the statement by the President of the Security Council of 31 October 2002,[1] was earnestly raised for the first time by Member States during the debate of the First Committee; however, no concrete actions have yet ensued from those discussions.

Recommendation 5

Member States should be called upon to enforce all Council resolutions on sanctions, including those imposing arms embargoes, in accordance with the Charter of the United Nations, and to bring their own national legislation into compliance with the Council's measures on sanctions. The Council may also wish to call upon all Member States to continue to make available to the appropriate United Nations bodies all pertinent information on any alleged violations of arms embargoes and to take appropriate measures to investigate such allegations.

14. Arms embargoes continue to be the most frequent sanctions measure imposed by the Security Council. Arms embargoes have, however, proved to be extremely difficult to enforce. The monitoring groups and panels of experts established by the Security Council to monitor the implementation of these measures frequently report on the lack of compliance by Member States due to inadequate legislation, lack of enforcement or technical capacity limitations. The Council may therefore wish to consider steps that could assist Member States in their implementation of the mandatory measures.

Recommendation 6

The Council is strongly encouraged to continue its efforts aimed at identifying the links between the illicit trade in small arms and light weapons and the illicit exploitation of natural and other resources, as well as the trade in illegal drugs, and to develop innovative strategies to address this phenomenon. In this connection, careful consideration should be given to the findings and recommendations of the bodies established to investigate such links, including the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, the Panel of Experts on Liberia and the Monitoring Mechanism on Sanctions against UNITA.

15. In its report of 25 March 2003,[8] the Panel of Experts on Somalia asserted that the earnings from the khat trade in Somalia were intricately linked to the conflict and that the faction leaders had developed interests in the khat trade in part because it helped to finance their acquisition of weapons and keep their troops loyal. The Panel further reported on the sale of Somali charcoal to the Gulf States, a trade that was causing tremendous environmental damage, and that most of the profits from that trade were retained by faction leaders. The Panel of Experts did not provide any specific recommendations in its report on how these problems could be addressed.

16. Pursuant to Security Council resolution 1478 (2003) of 6 May 2003, the Panel of Experts on Liberia submitted two reports to the Committee established pursuant to resolution 1343 (2001) concerning Liberia, which were subsequently transmitted by the Committee to the Council.[9] Those reports contain a series of recommendations aimed at breaking the link between certain commercial activities involving natural resources and the fuelling of conflict. The Committee carefully considered those recommendations, and the Chairman will soon convey the Committee's views on them to the Council in order to assist it in its review of the sanctions measures concerning Liberia.

Recommendation 7

The Council is encouraged to call upon relevant parties to conflicts under its consideration to recognize the importance of activities related to disarmament, demobilization and reintegration in post-conflict situations, and of including such measures in the text of negotiated agreements. The Council is also urged to include in the mandate of peacekeeping operations clear provisions regarding the disarmament, demobilization and reintegration of former combatants, as well as specific measures for the collection and disposal of illicit and/or surplus small arms and light weapons.

17. The Security Council has focused considerable attention on disarmament, demobilization and reintegration programmes in peacekeeping missions. The Council has consistently called on the parties to the conflicts under its consideration to recognize the importance of disarmament, demobilization and reintegration activities, while continuing to focus on the associated political, security, economic and social factors at the national, regional and international levels. This comprehensive approach should be maintained, since disarmament, demobilization and reintegration operations are more likely to succeed in the presence of political mechanisms to manage the differences that might arise between the parties to a peace agreement, and if the regional dimensions of a conflict are recognized and contained, particularly the illicit trade in small arms and light weapons.

18. The Security Council, in the declaration annexed to its resolution 1467 (2003) of 18 March 2003 on the item entitled "Proliferation of small arms and light weapons and mercenary activities: threat to peace and security in West Africa", called on relevant parties to conflicts in West Africa to recognize the importance of activities related to disarmament, demobilization and reintegration in post-conflict situations and of including such measures in the text of negotiated agreements, as well as specific measures for the collection and disposal of illicit and/or surplus small arms.

19. From November 2002 to November 2003, the Security Council considered the issue of disarmament, demobilization and reintegration programmes in Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia and Sierra Leone. In the resolutions referred to below, the Council stressed the need for early and full implementation of the disarmament, demobilization and reintegration programmes by national authorities and encouraged the international community to support the programmes:

Afghanistan

20. In its resolution 1510 (2003) of 13 October 2003, the Security Council stressed the importance of extending central Government authority to all parts of Afghanistan, of the comprehensive disarmament, demobilization and reintegration of all armed factions and of security sector reform, including the reconstitution of the new Afghan National Army and police.

Côte d'Ivoire

21. In its resolution 1514 (2003) of 13 November 2003, the Security Council reaffirmed the need for the Government of National Reconciliation to commit itself fully and immediately to the disarmament, demobilization and reintegration

programme, including the dismantling of militias, and to the restructuring of the armed forces.

22. In its resolution 1479 (2003) of 13 May 2003, the Security Council approved the establishment of a military liaison group whose tasks would include providing input to forward planning on disengagement, disarmament and demobilization and identifying future tasks, in order to advise the Government of Côte d'Ivoire and support the forces of France and of the Economic Community of West African States (ECOWAS). The Council also stressed the importance of an early start to the disarmament, demobilization and reintegration process.

Democratic Republic of the Congo

23. In its resolution 1445 (2002) of 4 December 2002, the Security Council stressed the importance of the voluntary nature of the disarmament, demobilization, repatriation, reintegration or resettlement of the armed groups referred to in annex A, chapter 9.1, of the Lusaka Ceasefire Agreement,[10] which calls on the leaders and members of the armed groups to enter the process of disarmament, demobilization, repatriation, reintegration or resettlement, calls on all concerned to work to this end, emphasizes the need to intensify the public information efforts of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in this regard and further calls on all parties to support these efforts.

24. In its resolution 1493 (2003) of 28 July 2003, the Security Council authorized MONUC to assist the Government of National Unity and Transition in disarming and demobilizing Congolese combatants who voluntarily decide to enter the disarmament, demobilization and reintegration process within the framework of the Multi-Country Demobilization and Reintegration Programme, pending the establishment of a national disarmament, demobilization and reintegration programme in coordination with the United Nations Development Programme and other agencies concerned.

Liberia

25. In its resolution 1509 (2003) of 19 September 2003, the Security Council decided that the United Nations Mission in Liberia (UNMIL) would have a mandate, inter alia, to develop as soon as possible, preferably within 30 days of the adoption of that resolution, in cooperation with the Joint Monitoring Committee, relevant international financial institutions, international development organizations and donor nations, an action plan for the overall implementation of a disarmament, demobilization, reintegration and repatriation programme for all armed parties, with particular attention to the special needs of child combatants and women and addressing the inclusion of non-Liberian combatants; and to carry out voluntary disarmament and to collect and destroy weapons and ammunition as part of an organized disarmament, demobilization, reintegration and repatriation programme.

26. In that resolution, the Security Council also called on Liberian parties to engage for the purposes of addressing the question of disarmament, demobilization, reintegration and repatriation on an urgent basis. It also urged them, in particular the transitional Government of Liberia and the rebel groups Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia, to work with UNMIL, the Joint Monitoring Committee, relevant assistance

organizations and donor nations in the implementation of a disarmament, demobilization, reintegration and repatriation programme.

Sierra Leone

27. In its resolution 1470 (2003) of 28 March 2003, the Security Council urged the Presidents of the Mano River Union member States to resume dialogue and to implement their commitments to building regional peace and security, encouraged ECOWAS and Morocco to continue their efforts towards a settlement of the crisis in the Mano River Union region and expressed its support for the efforts of the International Contact Group on Liberia towards a resolution of the conflict in that country.

Burundi

28. At the early stages of the Burundi ceasefire negotiations, the United Nations Office in Burundi and the Department of Peacekeeping Operations jointly issued comprehensive guidelines, including draft guidelines for achieving an all-inclusive ceasefire agreement and a detailed outline on the Forces Technical Agreement. The Facilitator, the regional leaders and the belligerents conducted negotiations along those lines, which concluded with the signing of two separate ceasefire agreements involving the main armed groups, the Conseil national pour la défense de la démocratie — Forces pour la défense de la démocratie (CNDD-FDD) of Jean Bosco Ndayikengurukiye, the Parti pour la libération du peuple Hutu — Forces Nationales de libération (PALIPEHUTU-FNL) of Alain Mugabarabona and CNDD-FDD of Pierre Nkurunziza, on 7 October and 2 December 2002. Both agreements insisted on the importance of activities related to disarmament, demobilization and reintegration and the verification mechanism thereof, including cross-border aspects of the issue.

Guinea-Bissau

29. The Government undertook a disarmament, demobilization and reintegration programme funded through the World Bank administered Multi-Donor Trust Fund. Of a total of 11,300 combatants contemplated in the original reintegration plan under this programme, only the most vulnerable 4,372 have been selected, due to a funding shortfall.

30. Following a request for assistance made by the Government in 2000, in June 2002 the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS) drew up a four-year action plan to collect illicit weapons. The plan, whose implementation cost is estimated at $2.8 million, focused on technical assistance to draft the necessary legislation banning illegal possession of small arms and light weapons; a public awareness campaign carried out with the Government and non-governmental organizations; the voluntary collection of arms, including a limited-duration amnesty; and a vocational training and reinsertion programme. A National Commission against small arms and light weapons was created in mid-2002. Drafts of laws were prepared for the Government, a working document was drawn up, and the premises for the National Commission were identified. The documents were sent to the Government in December 2002, but the project stalled, probably because of a lack of political will and the subsequent incapacity of the caretaker Government that was in power from December 2002 to September 2003.

31. The project was raised again with the Prime Minister of the Transitional Government in October 2003, and the military unit is in touch with the National Commission regarding the resumption of the work.

32. The Security Council also addressed other elements critical to the success of disarmament, demobilization and reintegration programmes in the various countries, such as the regional dimension of conflicts, illicit transfers of small arms and light weapons, the use of child soldiers, the impact of the recruitment of women into armed groups, the issue of dependants in a disarmament, demobilization and reintegration programme and incorporating disarmament, demobilization and reintegration considerations into peace agreements and public information.

Recommendation 8

The Council is further encouraged to consider strengthening the financing of disarmament, demobilization and reintegration programmes through the expansion of measures covered under the budget for peacekeeping operations, thus ensuring that such activities are not entirely dependent upon voluntary contributions from Member States.

33. The actions outlined below were taken by the Security Council over the last 12 months in relation to the issue of the financing of disarmament, demobilization and reintegration operations.

34. In its resolution 1509 (2003), on the establishment of UNMIL, the Security Council called on the international donor community to provide assistance for the implementation of a disarmament, demobilization and reintegration programme and sustained assistance to the peace process, and to contribute to consolidated humanitarian appeals.

35. In its resolution 1470 (2003), on the extension of the mandate of the United Nations Mission in Sierra Leone, the Security Council expressed concern at the continuing financial shortfall in the Multi-Donor Trust Fund for the disarmament, demobilization and reintegration programme and urged the Government of Sierra Leone to seek actively the urgently needed additional resources for reintegration.

36. In its resolution 1445 (2003), on the peace process in the Democratic Republic of the Congo, the Security Council endorsed the interim funding mechanism described in paragraph 74 of the Secretary-General's special report on MONUC[11] for the voluntary disarmament, demobilization and reintegration of members of foreign armed groups, recognized the importance of addressing the repatriation of dependants along with the ex-combatants and called on the international community to provide the funds for this process.

Recommendation 9

The Council should encourage States that have not already done so to establish the necessary legislative or other measures, including the use of authenticated end-user certificates, to ensure effective control over the export and transit of small arms and light weapons.

37. In the statement by its President of 31 October 2002,[1] the Security Council reaffirmed the inherent right of individual or collective self-defence in accordance

with Article 51 of the Charter of the United Nations and, subject to the provisions of the Charter, the right of each State to import, produce and retain small arms and light weapons for its self-defence and security needs. Bearing in mind the considerable volume of licit trade in small arms and light weapons, the Council encouraged States to adopt legislative and other measures to ensure effective control over the export, import, transit, stocking and storage of small arms and light weapons. The Council urged Member States to consistently and responsibly use end-user certificates in their transfers of small arms and light weapons and called on States to establish an effective national end-user certificate system and to study the feasibility as appropriate of developing an end-user certificate system at the regional and global levels, as well as an information exchange and verification mechanism.

38. The Security Council also urged Member States, in its resolution 1460 (2003) of 30 January 2003, in accordance with the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to take effective action through, inter alia, conflict resolution and the development and implementation of national legislation, in a manner which is consistent with existing responsibilities of States under relevant international law, to control the illicit trade of small arms to parties in armed conflict that do not respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict.

39. Consequently, the Security Council, in the declaration annexed to its resolution 1467 (2003), called on the States of West Africa to consider the introduction of a standardized end-user certificate for imported weapons.

40. The Panel of Experts on Somalia, in paragraph 187 of its report submitted in accordance with paragraph 11 of Security Council resolution 1425 (2002) of 22 July 2002,[12] proposed that, in order to prevent the forging and abuse of end-user certificates and to assist arms export-control authorities, the United Nations create an Internet-based register of government officials — including examples of their certified signatures — who are authorized to sign end-user certificates.

41. The various monitoring groups and panels of experts tasked with assisting the sanctions committees in monitoring the implementation of the mandatory measures imposed by the Security Council have, in their reports, repeatedly stressed the importance of legislative or other measures to ensure effective control over the transit and export of small arms and light weapons to States, non-State actors and individuals targeted by arms embargoes.

42. As indicated in the reports submitted to the Security Council sanctions Committee on Al-Qaida and the Taliban by Member States that are parties to international export control regimes such as the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, significant steps have already been taken towards enhanced regional and international collaboration concerning arms exports through the standardization and harmonization of legislation on export controls and the enhancement of transparency concerning production and licensing. Several States also reported taking additional measures, such as post-shipment verification of exports and double checks on the authenticity of end-user certificates, in order to prevent the diversion of sensitive goods to members of the Al-Qaida network.

43. Fifty-seven out of the 98 States that reported to the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action indicated that they already had export-import control laws in place prior to 2001, while 21 States either adopted or revised such laws after 2001 or were in the process of adopting them. Moreover, 27 countries met end-user certificate requirements prior to 2001, and another 12 countries have introduced such systems since 2001. At the same time, it was noted that regulations on brokering remain to be implemented in most countries, with domestic regulations covering brokers and/or brokering activities existing in only about 16 countries.[5]

44. Pursuant to operative paragraph 5 of General Assembly resolution 57/72, in which the Assembly requested the Secretary-General to continue to collate and circulate data and information provided by States on a voluntary basis, including national reports on the implementation of the Programme of Action, several States have made available to the Department for Disarmament Affairs copies of end-user certificates employed and the national regulations applicable to them, as well as their national legislation on small arms and light weapons.[13]

45. During the fifty-eighth session of the General Assembly, a number of Member States noted the need for further substantive work on export controls as a means to curtail the illicit trade in small arms and light weapons. Some States also expressed interest in studying the feasibility, as appropriate, of developing an end-user certificate system at the regional and global levels, as well as an information exchange and verification mechanism.

Recommendation 10

The Council is called upon to pursue more vigorously and expeditiously the use of arms embargoes, under Article 41 of the Charter of the United Nations, to countries or regions threatened by, engaged in or emerging from armed conflict, and to promote their effective implementation. The Council is also called upon to give particular attention to the restriction of the supply of ammunition suitable for weapons already extensively available in such countries and regions.

46. At its 4713th meeting, held on 25 February 2003, the Security Council heard a briefing by the Swedish State Secretary for Foreign Affairs, Hans Dahlgren, on the results of the Stockholm Process on the Implementation of Targeted Sanctions.[14] The findings, including those on arms embargoes, were presented in a handbook entitled "Making Targeted Sanctions Effective — Guidelines for the Implementation of UN Policy Options". They were the result of a process, initiated by the Swedish Government, that took more than a year and in which Government officials, non-governmental organizations, the United Nations Secretariat, regional organizations and international institutions were engaged, as well as academics and experts in the field of sanctions implementation. The results of the Stockholm Process included several recommendations on how to improve the implementation of arms embargoes.

47. The arms embargo on the territory of Afghanistan under Taliban control was first imposed by the Security Council through its resolution 1333 (2000) of 19 December 2000. By Security Council resolution 1390 (2002) of 16 January 2002, the arms embargo was extended to target Osama bin Laden, the Taliban and individuals and entities associated with them, including the Al-Qaida organization,

regardless of their location. In its second report to the Al-Qaida and Taliban sanctions Committee pursuant to paragraph 13 of resolution 1455 (2003) of 17 January 2003, submitted to the Committee on 3 November 2003,[15] the Al-Qaida and Taliban Monitoring Group drew attention to the global scale of Al-Qaida's operations and suggested that the obligation of Member States to enforce the arms embargo should be coupled with enhanced regional and international cooperation aimed at preventing weapons and military materiel from being acquired by the Al-Qaida network. The Monitoring Group recommended that all States be encouraged to adopt, without delay, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

48. The Security Council recognized the progress made in consolidating the peace process in Sierra Leone and decided not to renew its embargo against the import of rough diamonds from Sierra Leone without a valid certificate of origin, which expired on 4 June 2003. The Council has nevertheless maintained the arms embargo on non-State actors in Sierra Leone during its emergence from armed conflict.

49. In its report of 27 October 2003,[16] the Panel of Experts on Somalia reported that large quantities of the weapons required for Somalia's desultory militia warfare were already available throughout the country and that most armed groups required steady access to ammunition rather than arms. The Panel further reported that when a serious confrontation was anticipated, larger quantities of arms and, more importantly, ammunition entered the Mogadishu market. In order to stem the flow of arms and ammunition to Somalia, the Panel of Experts recommended that the front-line and neighbouring States be urged to establish sanctions assistance offices on their territories with the help of regional and subregional organizations. The offices would assist the respective national authorities in monitoring and enforcing the arms embargoes on their territories. The Panel also recommended that consideration be given to the establishment of a caretaker authority for the Somali coast and that the air traffic monitoring and oversight by the Civil Aviation Caretaker Authority for Somalia be enhanced.

Recommendation 11

The Council may wish to consider coercive measures against Member States that deliberately violate arms embargoes declared in respect of specific conflict areas. In this regard, the Council is encouraged to establish monitoring mechanisms, under each relevant Council resolution, to oversee their rigorous and comprehensive enforcement.

50. There are currently six sanctions regimes imposed by the Security Council in existence — on Al-Qaida and the Taliban, Iraq, Liberia, Rwanda, Sierra Leone and Somalia. Each of these regimes contains an arms embargo component and is monitored by a sanctions committee in accordance with relevant Security Council resolutions. Most sanctions committees are being assisted in their work by monitoring groups or panels of experts, which monitor sanctions violations, provide technical expertise and make recommendations to the Committees. However, the primary responsibility for the implementation of the sanctions regimes, including arms embargoes, rests with the Member States.

Recommendation 12

Member States should be called upon to enhance transparency in armaments, including through universal and consistent participation in the United Nations Register of Conventional Arms and the United Nations standardized instrument for reporting military expenditures, and to undertake other confidence-building measures in defence and security matters.

51. The Security Council, in a declaration annexed to its resolution 1467 (2003), called on the States of West Africa to consider broadening the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons to include an information-exchange mechanism for all types of small arms procured by ECOWAS Member States and for arms transfers from supplier countries. In that declaration the Council also called on the States of West Africa to consider enhancing transparency in armaments, including through the establishment of an ECOWAS register that would record national inventories of small arms and light weapons.

52. Pursuant to General Assembly resolution 57/75 of 22 November 2002, the Secretary-General convened a Group of Governmental Experts[17] to assist him in preparing a report on the continuing operation and further development of the United Nations Register of Conventional Arms, taking into account the work of the Conference on Disarmament, the views expressed by Member States and previous similar reports of the Secretary-General, to be submitted to the General Assembly at its fifty-eighth session.

53. The Register is a voluntary reporting instrument that covers seven major categories of conventional arms: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships (including submarines), and missiles and missile launchers. Its primary emphasis is on international transfers (exports and imports), while participating Governments are also encouraged to provide data on procurement through national production and on their military holdings.

54. The Group recognized the particular importance now attached by the international community to the issue of small arms and light weapons, including man-portable air-defence systems (MANPADS), since the 2000 report of the Group of Governmental Experts and the adoption in July 2001 of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. As a consequence, the Group adopted a consensus report,[18] which recommended the exceptional inclusion of MANPADS transfers in category VII of the Register, "Missiles and missile launchers". The Group of Governmental Experts also recommended that the reporting threshold for large-calibre artillery systems be lowered from 100 to 75 millimetres.

55. The Group noted as well that, without prejudice to the differing situations, capacities and priorities of States, interested Member States in a position to do so, where appropriate and on a voluntary basis, could provide additional information on transfers of small arms and light weapons made or modified to military specifications and intended for military use; and where national, subregional and regional mechanisms exist, recommended that they make use of these reporting methods, including definitions of small arms and light weapons, as they deem appropriate.

56. The Group additionally recommended that, while 164 Member States have participated at least once in this voluntary reporting instrument, they should consistently participate in the United Nations Register of Conventional Arms in order to achieve universal participation, with a view to reaching the shared goals of the instrument. In addition to sustaining the ongoing series of regional and subregional workshops, the Group noted that other activities, such as the holding of a session devoted to the Register on the margins of appropriate meetings of international, regional and subregional organizations, could be pursued to promote the objectives of the Register.

57. Following the issuance of the report of the Secretary-General on the continuing operation and further development of the Register,[18] the General Assembly adopted at its fifty-eighth session resolution 58/54 of 8 December 2003, entitled "Transparency in armaments", in which it endorsed the report of the Secretary-General and decided to adapt the scope of the Register in conformity with the recommendations of that report.

III. Observations and conclusions

58. I am pleased to note the significant progress achieved in the implementation of recommendations 1 (on tracing illicit small arms and light weapons), 7 (on disarmament, demobilization and reintegration in post-conflict situation), 9 (on control over the export and transit of small arms and light weapons) and 12 (on transparency in armaments), contained in my report entitled "Small arms" of 20 September 2002.[2]

59. There are also encouraging indications that efforts are being made to implement recommendations 2 (on the Interpol Weapons and Explosives Tracking System), 3 (on the small arms advisory service) and 6 (on links between illicit small and light weapons and the illicit exploitation of natural and other resources).

60. Regarding recommendation 4 (on interaction with the General Assembly), while no structured interaction has been established yet between the Security Council and the Assembly on the general topic of small arms and light weapons, the issues of end-user certificates and illicit brokering activities have emerged as areas of common efforts by both organs.

61. Progress with regard to recommendations 5 (on the enforcement of Security Council resolutions on sanctions) and 11 (on coercive measures against Member States that deliberately violate arms embargoes) depends almost entirely on the political will and technical capacity of Member States. Nevertheless, further efforts by the Council to stimulate Member States in fulfilling their obligations and to assist them in the strengthening of their capacity will be required.

62. The implementation of recommendation 10 (on the use of arms embargoes) presents a mixed picture: while some arms embargoes were effectively employed as a key instrument to consolidate the peace process in certain conflict and post-conflict situations, the restriction on the supply of ammunition to areas of instability requires more attention and vigorous action to achieve the desired objectives.

63. Finally, the need to finance disarmament, demobilization and reintegration programmes through the assessed budget for peacekeeping (recommendation 8) remains an issue of concern. The key disarmament, demobilization and reintegration

task assigned to peacekeeping missions has been to support national Governments in the disarmament and demobilization of combatants. Disarmament and demobilization tasks include a broad range of military and non-military activities. While some activities in these two phases of a disarmament, demobilization and reintegration operation may be undertaken by the relevant United Nations specialized agencies, non-governmental organizations and national agencies, the voluntary funding available for disarmament and demobilization activities, particularly in the early stages of a disarmament, demobilization and reintegration operation, is often very limited. This risks jeopardizing not only the disarmament, demobilization and reintegration operation itself, but also the entire peace process.

64. A secure funding basis, from the assessed budget for peacekeeping, would ensure that combatants and their dependants, as required by Security Council resolution 1325 (2000) of 31 October 2000, could be successfully managed and returned to their communities, where they could then take full advantage of planned reintegration activities funded from voluntary sources.

65. Appropriately equipped specialized units for the disposal of explosive ordnance, to undertake the safe collection, destruction and disposal of ammunition and explosives, would necessitate financial support from Member States, when considering disarmament, demobilization and reintegration programmes, to ensure that peacekeeping missions have the capacities needed to safely manage the large quantities of weapons and ammunition involved. The Secretariat, on its part, will work with Member States to establish these capacities in the United Nations Standby Arrangements System. These capacities should be deployed to a mission as early as possible, since often a significant quantity of weapons, ammunition and explosives is surrendered to a peacekeeping force in the early days of a mission.

Notes

[1] S/PRST/2002/30.

[2] S/2002/1053.

[3] In January 2002, the Secretary-General appointed experts from the following 23 States: Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, France, India, Jamaica, Japan, Kenya, Mali, Mexico, the Netherlands, Nigeria, Pakistan, the Russian Federation, South Africa, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

[4] See A/58/138.

[5] See S/PV.4623.

[6] See A/CONF.192/BMS/2003/1.

[7] For the views of States received by the Secretary-General, see A/58/207.

[8] See S/2003/223.

[9] See S/2003/779 and S/2003/937 and Add.1.

[10] S/1999/815, annex.

[11] S/2002/1005.

[12] See S/2003/223.

[13] The electronic copies of national legislation on small arms, excluding copies of end-user

certificates, provided by States on a voluntary basis can be accessed on the web site of the Department for Disarmament Affairs, at http://disarmament2.un.org/cab/salw-legislation.htm. The Department also maintains printed versions of these documents, which are available for consultation by Governments.

[14] See S/PV.4713.

[15] See S/2003/1070.

[16] See S/2003/1035.

[17] The Secretary-General appointed experts from the following 24 States: Argentina, Brazil, Canada, China, the Democratic Republic of the Congo, El Salvador, France, Germany, Ghana, India, the Islamic Republic of Iran, Israel, Japan, Kenya, Malaysia, the Netherlands, Pakistan, Peru, Romania, the Russian Federation, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

[18] See A/58/274.